

HIGH COURT FOR THE STATE OF TELANGANA
HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
WRIT PETITION No.3196 OF 2019

Date: 07.03.2019

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Between:

Nandala Shiva Chandra Prasad,
S/o.Nandala Pochalu, R/o.Kothairampur,
Karimnagar District and another

... Petitioners

v.

Lakshmi Vilas Bank, Aditya Trade Center,
Ameerpet, Hyderabad, Rep. by its Authorized Officer.

.. Respondents

For Petitioners : Sri T. Nagender

For Respondents : Mr. Maruthi Jadav, representing
Pearl Law Associates.

Gist :

Head Note :

Cases Referred : Nil

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
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ORDER: *(Per V. Ramasubramanian, J)*

Challenging a condition imposed by the Debts Recovery Tribunal for the grant of stay of dispossession, the borrowers have come up with the above writ petition.

2. Heard Mr. T. Nagender, learned counsel for the petitioner and Mr. Maruthi Jadav, learned counsel for the respondent Bank.

3. As per the possession notice issued by the Bank, the petitioners became due and liable to pay a sum of Rs.12,93,361-50 ps., as on 01.01.2018. Taking into account the same, the Tribunal granted a conditional order of stay of dispossession on 11.02.2019.

The operative portion of the order of the Tribunal reads as follows:

“Having regard to the facts and circumstances of the case and in the interest of justice, interim stay of all further proceedings including taking physical possession of the schedule properties pursuant to the Advocate Commissioner’s notice dt.04.02.2019 issued in CrI.M.P. No.76/18 on the file of CJM, Karimnagar pursuant to the Possession notice dt.20.06.2018, subject to the Petitioner/Applicant depositing a total sum of Rs.2.5 lakhs in two instalments; first installment of Rs.1 lakh is directed to be deposited within one week from the date of this order and the second instalment of Rs.1.5 lakhs within two weeks thereafter, directly with the Respondent Bank. In the event of failure of compliance of any of the aforesaid conditions by the Petitioners, the interim stay shall stand vacated and the Respondent bank shall be at liberty to proceed further in accordance with law.”

4. Expressing some difficulties, especially in view of the death of the 1st petitioner's mother after prolonged illness, the petitioners came up with the above writ petition. Taking into account the family circumstances, we passed an interim order on 18.02.2019, which reads as follows:

“Issue notice returnable by two (2) weeks.

There will be an interim stay on condition that the petitioner deposits with the respondent-bank a sum of Rs.1,00,000/- (Rupees One Lakh only) on or before 04.03.2019.”

5. It is reported today that the said conditional order has been complied with. Therefore, what remains is only an adjudication as to whether the second installment as directed by the Tribunal should be directed to be paid or not.

6. Though the learned counsel for the petitioners contended that the petitioners are in difficulties, it is seen that the amount directed by the Tribunal to be paid as a condition for the grant of stay, constituted only around 1/5th of the total amount payable and that too as on 01.01.2018. It appears that there are other loans also. Therefore, there is no case for interference with the conditional order passed. However, since the first installment has been paid within the extended time granted by us, the writ petition is disposed of granting time to the petitioners to make payment of the second installment of Rs.1.50 lakhs as ordered by the Tribunal. The said amount shall be paid by the petitioners on or before 12.04.2019. Upon such payment, the petitioners will have the benefit of stay during the pendency of the

appeal in SA No.41 of 2019 before the Debts Recovery Tribunal. If the petitioners fail to pay the said amount, the stay will stand automatically vacated.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

March 07, 2019

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**HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**



WRIT PETITION No.3196 OF 2019

March 07, 2019

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